

UNITED STATES DISTRICT COURT

for the

## Western District of North Carolina

United States of America )  
v. )  
BRIAN TAFT EDDIE ) Case No: 3:01CR4-03  
Date of Previous Judgment: May 3, 2004 ) USM No: 16504-058  
(Use Date of Last Amended Judgment if Applicable) ) Stanford Clontz  
 ) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 34 Amended Offense Level: 34  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: 262 to 327 months Amended Guideline Range: 262 to 327 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): The application of Amendment 706 results in no change to the Base or Total Offense Levels or the advisory guideline range since the defendant is a "career offender" under USSG §4B1.1; therefore no reduction is warranted. See United States v. Lindsey, 556 F.3d 238, 244 (4<sup>th</sup> Cir. 2009).

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 5/3/2004 shall remain in effect.

## IT IS SO ORDERED.

Order Date: April 16, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

Frank D. Whitney